

U.S.S.N. 09/465,436  
Group Art Unit: 2172

SC  
#16 B(NG)  
9-24-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Midgley, et al.

Serial No.: 09/465,436

Group Art Unit: 2172

Filed: December 16, 1999

Examiner: Shahid Al Alam

For: Systems and Methods for Backing Up  
Data Files

Attorney Docket No.: NTK-005.01

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

September 12, 2002  
Date of Signature and of  
Mailing

Kerry N. Richard  
Kerry N. Richard

**RESPONSE**

Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**  
SEP 19 2002  
Technology Center 2100

Dear Sir:

In reply to the Office Action dated July 17, 2002, Applicants submit the following Amendment and Remarks.

Applicants' Attorney does not believe that any additional extension of time or any additional fees are required for consideration of this Response, beyond those which may otherwise be provided for in accompanying documents. Should any additional extension of time or additional fees be required for timely consideration of this Response, however, Applicants' Attorney hereby petitions for same and requests that the extension fee and any other fee required for timely consideration be charged to **Deposit Account No. 06-1448, Reference NTK-005.01.**

Further, Applicants' Attorney hereby authorizes the Commissioner to credit any overpayment to **Deposit Account Number 06-1448, Reference NTK-005.01.**

## AMENDMENT

### IN THE SPECIFICATION

Please insert the following paragraph on page 1, line 2 of the specification:

#### Reference to Related Applications

This application is related to co-pending U.S. Patent Application Nos. 09/465,408, 09/465,411, 09/465,435, and 09/465,485, all filed on December 16, 1999. This application is also related to co-pending U.S. Patent Application No. 10/152,060 filed on May 21, 2002, which is a continuation application of U.S. Patent Application No. 09/465,485.

### IN THE CLAIMS

Please amend claims 1 and 5. The claim amendments relate to consistency of terminology issues. The claim amendments are not related to patentability. Further, the claim amendments do not narrow the claims.

Accordingly, claims 1-28 are now pending.

To satisfy the requirements of 37 C.F.R. § 1.121(c) and 37 C.F.R. § 1.52(a), all pending claims are presented below. A marked-up version of the claims showing the changes made to the claims follows the Remarks section of this Response.